

REMARKS

The Official Action mailed November 16, 2007 has been received and its contents carefully noted. Claims 1-26 have been cancelled and claims 27-49 are amended herewith to better recite the features of the present invention. In light of the amendment above and for the reasons discussed below, Applicant respectfully submits that the presently claimed invention is patentable over the prior art of record.

The Official Action rejects claim 39 as indefinite and in response thereto, claim 39 has been amended and is believed to be definite as amended reconsideration is requested.

In accordance with the present invention, as amended, an identified user on a network seeking to communicate to another user, will find identified sender's associated advertisements automatically embedded into the communications, according to preset preferences. In other words, a user of a computer system sending a communication to a recipient will have an advertisement identified with the user automatically included in the communication. In addition, the use of or purchase of hardware or software, or use of a service, can leverage this preexisting concept (assuming the user has invoked and enabled the invention) to the extent that the user, by merely acquiring said hardware, software or service and using it, automatically causes identified sender associated advertisements to embed in any subsequent communications, limited only according to preferences.

Most operating systems currently in use require the user to log in, and most communications networks require a user to log in, in order to become a sender of a communication. For example, in the cell phone related context, cell phones contain a unique address which must be part of a block of addresses for the cell phone to automatically log into the cell network, on power on. Operating systems, allowing a user to access their files, require log in, and if the log in into the operating system is set for no password, then the user, in order to communicate to other users is also still

required to log in and identify themselves to the communications portion of the system, prior to issuing any communication.

It is respectfully submitted that the prior art of record fails to disclose or suggest the presently claimed invention, as amended, wherein, in one preferred embodiment, a communication includes an advertisement associated with an identified sender to the receiver, even as of the date of this document.

One difference in the present invention as compared to the prior art, as stated above, centers on the intent to automate the advertising process within the sender's data processing system, for senders who have identified themselves to the operating system or to the communications network, and in which an advertisement includes identification of the sender. Potentially all subsequent communications leaving an identified senders data processing system automates the addition of new identified sender associated advertisements. These advertisements can be related to the purchase of new hardware, software, or service thereafter, so the user need not remember to do anything except buy and use their choice hardware, software or service, to automatically advertise for these items thereafter. It is respectfully submitted, that the present invention has been set forth in such a manner as to overcome previous objections and rejections of record and place the present application in proper condition for allowance.

As to Pirani, Pirani modifies traditional software such that through the use of that software by any user, advertisements are inserted into the software. Pirani then calls the advertisements (displays them) where and when he desires, as his teachings suggest. Of minor note, Pirani limits to use of text and graphics, only. Nowhere within the 4 corners of the Pirani Patent does Pirani suggest that the identity of the user changes the fact that advertisements will insert or will not insert, nor does Pirani suggest that for each identified user, different advertisements will be inserted. Pirani never identifies the user and is an invention relating to unidentified users using various software who will see various advertisements which in turn, are not at all

related to the identity of the user. Further, Pirani does not teach that the rules for insertion will differ for identified users (or any user[s]) who, by preference, have any advertisements inserted at all, in any context. Pirani never teaches that one user, using the software of his invention, will see no advertisements inserted, while another user will. In fact, because Pirani never identifies one user from another, Pirani is indelibly limited to anonymous users.

In the context of communicating across a network, communications data is passed during a communication which is not and does not constitute "software." In the present invention, identified sample contexts include... at least one of e-mail, facsimile, voice-over-IP, voice-over-Internet, voice mail, video mail, video teleconferencing, and an animated presentation..." providing example communications types (forms of communication), which was not intended to be limiting. These communications send data across a network. According to the present invention, if the identified sender sets his preferences to use (invoke) the invention, the received data will have identified sender associated advertisements embedded in the communication data. Pirani never suggests such use of their invention and does not teach use inside of communications in any context, whatsoever. Pirani is limited to software which is modified to work as it did before Pirani, but with advertisements placed at certain screens and points, and with a directory of said advertisements in that instance of that software. Of note, Pirani does not teach that their Patent is for software, which places advertisements in other software. Pirani limits to adding the necessary coding to software, such that when that software is operated by any user, within that software advertisements can be displayed and found in a directory, according to the Pirani teachings. Pirani is thus indelibly limited to one instance of software, which places advertisements in its own screens.

The present invention, discloses and claims advertisements embedded in communications. The present invention further teaches that it matters which user or sender is using the communications, as to if and which advertisements will be

embedded and transmitted. Further the advertisements may be deemed to be associated with the identified sender, by the receiver, and will be more trusted than a traditional advertisement. The present invention further teaches a fraud avoidance, and testimonial will be included with the advertisements to build trust at the receiver's end. The present invention teaches that once an identified sender sets their respective preferences, addition of new hardware or software by the sender can automatically advertise in sender's subsequent communications, with no further action of the sender. In whole or in part, Pirani does not teach what the present invention discloses and claims. The present invention is modifying actual data sent and received as part of a communication. According to any and all authorities for conventional definition, data sent and received which constitutes a communication, is not software. As a minor note, the present invention does not teach that software attached to a communication, such as a file attached to an email, contains advertisements embedded in that software. In the present invention, the actual communication contains embedded advertisements, not any attachments to an actual communication.

Referring to Markowitz, Markowitz appears to teach that a facsimile machine can include advertisements in facsimile transmissions, before them, after them, or in the body of the facsimile. Markowitz uses software to insert advertisements into facsimile pages because the pages are converted to data and that data is modified before transmission. However, Markowitz does not disclose or suggest that the advertisement is displayed in operation of this software as in Pirani. Thus, there is no logical nexus between the software advertisements of Pirani and Markowitz.

Markowitz is first limited to use of text and graphics, only. Markowitz freely elected to limit to these at Claim 20) where Markowitz states "means for selecting an advertisement from a database of available graphical/textual advertisements". Nowhere within the 4 corners of its Patent does Markowitz suggest that the identity of the sender changes the fact that advertisements will or will not be inserted, nor does Markowitz suggest that for each identified sender, different advertisements will be

inserted as now recited in the claims of the subject application. Markowitz fails to teach that an identified sender's associated advertisement is included in a communication, facsimile or otherwise, and thus cannot disclose or suggest the present invention as amended herewith. Markowitz cannot identify the user of the sending facsimile machine and thus cannot disclose the claimed identified sender's associated advertisement. Further, Markowitz does not teach that the rules for insertion will differ, for all users who, by preference, have any advertisements inserted at all, in any context. Thus, various limitations of the independent claims as amended and dependent claims of the present application are neither disclosed nor suggested by Markowitz taken alone or in combination with other prior art of record.

Markowitz never suggests such use of their invention requiring first that the sender be identified. At best, Markowitz identifies only that a sending facsimile machine, not the actual sender, can include advertisements and therein none of those advertisements are associated with the sender, but are at best associated with the actual facsimile machine. Markowitz admits, as shown above, that his advertisements are at best associated with sender and receiver locations, which means the caller id or telephone number assigned to the machine and which does not actually provide location information to the receiver. The receiver is prone to see the advertisements as an annoyance, "spam", unwanted, and a waste of paper, ink, memory and time.

Furthermore, Markowitz fails to disclose or suggest any relationship between the advertisement and any hardware or software being used by the sender of the advertisement as recited in at least some claims of the subject application. In addition, Markowitz is respectfully submitted to fail to disclose the feature of at least dependent claim 28 wherein the user is offered the option to become an advertiser, that the sender is compensated as in claim 34, that the advertisement is obtained from a third party as in claim 33 and 40, as well as other features of the dependent claims.

Therefore, in view of the foregoing arguments and amendments, it is respectfully requested that the rejections of record be reconsidered and withdrawn by

the Examiner, that claims 27-49 be allowed and that the application be allowed to issue as a U.S. patent Grant.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited. In closing, due to the long time frame in which this invention has been undergoing prosecution and the incurrance of legal fees and filing fees, not to mention the overseas filings and fees, inventor would like to graciously emlore the Examiner to consider granting an interview, if these claims continue to remain in question.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lawrence F. Glaser', is written over a horizontal line.

Lawrence F. Glaser
Applicant and inventor